IAB IV 2139493

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PERSONNEL INVESTIGATION REPORT

SUMMARY OF INTERVIEWS

Sung Pak (Subject Deputy)
Steven J. Patterson (Witness Sergeant)
[redacted] (Civilian Witness)

EXHIBITS

Exhibit A - Copy of Sheriff's Department "Incident Report," (SH-R-49), file number 405-00053-6151-186

Exhibit B - Copy of Sheriff's Department "Notice to Appear," citaion number P022155, issued to "[redacted]"

Exhibit C - Copy of Sheriff's Department Scientific Services Bureau Laboratory Report, lab receipt number J613818

MISCELLANEOUS ATTACHMENTS

- Unit History Report, Unit 611B, PMs, February 7, 2005
- Deputy Daily Worksheet, Unit 611B, PMs, February 7, 2005
- Time Copy of Metrolink Bureau In-Service Sheet for February 7, 2005
- Department Manual of Policy and Procedures Sections:

3-01/040.70 FALSE STATEMENTS
3-01/100.35 FALSE INFORMATION IN RECORDS
3-01/110.10 VICE AND NARCOTIC LAW VIOLATION
3-01/050.10 PERFORMANCE TO STANDARDS

The facts in this case **support** the following allegations:

1) That in violation of Department's Manual of Policy and Procedures section 3-01/100.35 (false information in records), Subject Pak, on or about February 8, 2005, prepared a Found Narcotics report which contained false information, including, but not limited to, statements indicating that the narcotics he booked into evidence at Santa Clarita Sheriff's Station (38 tablets tested and found to contain 3,4 methylenedioxymethamphetamine, MDMA, commonly referred to as "ecstasy") were given to him by Witness [redacted] when, in fact, Subject Pak discovered them during a search while conducting a traffic stop of Witness [redacted]

2) That in violation of Department's Manual of Policy and Procedures section 3-01/040.70 (false statements), Subject Pak, on or about February 7, 2005, made false statements to his supervisor concerning the circumstances of the Found Narcotics incident, including, but not limited to, stating the Witness [redacted] had approached Subject Pak with the narcotics (38 MDMA tablets commonly referred to as "ecstasy"), telling him that he had found them when, in fact, Subject Pak discovered them during a search while conducting a traffic stop of Witness [redacted].

3) That in violation of Department's Manual of Policy and Procedures section 3-01/050.10 (performance to standards), Subject Pak, on or about February 7, 2005, failed to take positive police action (make an arrest) where there was sufficient evidence to indicate that Witness [redacted] had violated a narcotic law (violation of Health and Safety Code section 11377, possession of 38 tablets of MDMA commonly referred to as "ecstasy"), in violation of the Department's Manual of Policy and Procedures section 3-01/110.10 (vice and narcotic law violations).

SUMMARY

Witness Patterson was the Metrolink Bureau field sergeant responsible for Subject Pak on Monday, February 7, 2005. At approximately 2145 hours, Subject Pak asked Witness Patterson for permission to defer a "Found

Narcotics" report. Witness Patterson asked him for the circumstances regarding the incident. Subject Pak replied that he was in the City of Van Nuys, near the intersection of Van Nuys Boulevard and Valerio Street, when he was contacted by a male, [redacted] (Subject Pak both spoke and phonetically spelled the name for Witness Patterson). Subject Pak said that Mr [redacted] told him that he had found pills that appeared to be narcotics and he did not want children to get to them. Subject Pak told Witness Patterson that he took the pills and booked them at Santa Clarita Valley Sheriff's Station as "Found Narcotics." Witness Patterson approved the deferral of the report. Mr. [redacted] will henceforth be referred to as Witness [redacted]

On Tuesday morning, February 8, 2005, Witness Patterson was reviewing paperwork previously submitted by Metrolink Bureau deputies. He found a traffic citation (Exhibit B) issued by Subject Pak to "[redacted]" The Witness recognized the name as the same one that was given to him by Subject Pak the night before, regarding the deferred Found Narcotics report. Witness Patterson also remembered that Subject Pak did not mention anything about issuing a citation to Mr [redacted], much less contacting him by means of a vehicle stop. Witness Patterson advised his relief, Metrolink Bureau Sergeant Maurice Angel, regarding his concerns and asked him to ensure that Subject Pak complete and submit the deferred report on his PM watch.

On Wednesday morning, February 9, 2005, Witness Patterson found a "Found Narcotics" report (Exhibit A), left by Sergeant Angel, on his desk. He saw that there was no mention of a traffic stop or citation issued to the Informant (Mr. [redacted]) of the report. The Witness compared the information on the citation with the information in the report, and confirmed the driver on the citation and the informant on the report appeared to be the same person. He noted that the time of occurrence on the citation was 2000 hours, and the time of occurrence on the report was 2030 hours, and that the listed locations of the events were similar.

Witness Patterson decided to resolve the discrepancies between the citation and report by contacting Mr. [redacted] He advised the Metrolink Bureau Unit Commander, Lieutenant Jack Carey, regarding the above and Lieutenant Carey concurred.

Witness Patterson and Sergeant Angel contacted Witness [redacted] Their discussion is included in this investigation as "Summary of Interview, Witness [redacted] Interview," and is recorded on video tape, submitted with this investigation.

Witness [redacted] said that he was driving his vehicle when he was stopped by Subject Pak. The Subject told him to exit his car and placed him in the back seat of the radio car. Subject Pak gained consent to search his car, and subsequently found a plastic baggy containing 38 "ecstacy" tablets inside the glove compartment. Subject Pak asked Witness [redacted] what was in the baggy. He said it was "candy," which is a street term for "ecstacy." Subject Pak placed handcuffs on Witness [redacted] and asked him if there were any weapons in the car. Witness [redacted] said he did not have any weapons. Subject Pak searched the car twice more, and found no weapons.

Subject Pak lectured Witness [redacted] regarding the possession of narcotics, at one point accusing him of being a drug dealer. (In his interview, Witness [redacted] said the Subject told him that "if push came to shove," he could arrest him for a misdemeanor.) Subject Pak then told Witness [redacted] that since he did not have any weapons, he would give him a break, and not arrest him for the "ecstacy." Subject Pak told Witness [redacted] he was only going to issue him a traffic citation, and that his possession of the "ecstacy" would not go on his record. Subject Pak issued Mr. [redacted] a citation for tinted windows (26708[A][1] CVC) and no license plates (5200 CVC), and released him.

Subject Pak was formally interviewed regarding this investigation on March 14, thirty-five days after authoring the false report. Prior to questioning, the Subject was advised of the charge of "False Statements" (Department Manual of Policy and Procedures Section 3-01/040.70) leveled against him in relation to the Incident Report (File #405-00053-6151-186) he authored, and which was the focal point of this investigation. Subject Pak was offered the opportunity to make any statement regarding this investigation. Subject Pak declined, stating, "No, sir."

The Subject's patrol background is a [redacted]. The Subject described his training and experience in the field of Narcotics as at a level standard for patrol deputies. He claimed "ten-to-fifteen" arrests of suspects for narcotics violations, including arrests charging possession of narcotics for sales.

In his interview, after preliminary background questions, Subject Pak was directed to the "Found Narcotics" Incident Report (Exhibit A), and asked, "Is the content of that report complete, true and accurate?" Subject Pak replied, "No, sir." Asked to explain, the Subject admitted to conducting a traffic stop on Witness [redacted] rather than the contact being initiated by Witness [redacted] as the Subject had stated to Witness Patterson on February 7, and as the Subject had written in his report. Regarding the remainder of events in that contact, the information provided by the Subject was similar to that provided by Witness [redacted] The Subject admitted to intentionally falsifying the Found Narcotics report. He said that when he spoke with Witness [redacted] he learned that Witness [redacted] had recently become engaged, and worked in a cell phone store directly across the street from their present location. Witness [redacted] told him that he was embarrassed by their contact, as his co-workers may witness it. Subject Pak said that he "felt sorry" for Witness [redacted] and decided to "give him a break." He seized the drugs, gave Witness [redacted] a "stern lecture," and the citation, then released him. The Subject booked the drugs at Santa Clarita Valley Station. The LASD Crime Lab report of the narcotics identified them as MDMA, also known as "ecstasy," thirty-eight tablets in number.

Subject Pak further stated that he was reluctant to arrest Witness [redacted] because of the Subject's remaining emotional issues with his own prior arrest for drunk driving several years ago. His statement reveals his impaired judgement and impeded ability to effect lawful arrests.

In addition to his admissions of lying in his account of these events to his supervisor, and falsifying the Found Narcotics report, the Subject admitted to making false entries in his Deputy Daily Worksheet on February 7, 2005, to support his plan.

Subject Pak claimed he languished over his conduct until the time of his formal interview, "going over and over (this situation) in my mind, doing a lot of soul searching, I screwed-up." When asked if he considered approaching any Metrolink Bureau supervisor, or Captain Finkelstein, to begin the remedy of this matter and relieve himself of this mental burden during that time, he had no relevant response.

DISCIPLINE ASSESSMENT

Review of Applicable *Guidelines for Discipline* Sections

The Department's *Guidelines for Discipline* (revised 08-18-96) lists the following analogous misconduct with associated disciplinary penalties:

FALSE INFORMATION IN RECORDS Submission of false official report	Fifteen Days Suspension to Discharge
FALSE STATEMENTS Lying to supervisor regarding circumstances of event	Ten Days Suspension to Discharge
PERFORMANCE TO STANDARDS Failure to take positive action regarding a narcotic law violation	Written Reprimand To Discharge

ASSESSMENT OF MITIGATING AND AGGRAVATING FACTORS

Severity of Infractions and Degree of Culpability

The severity of violating the public trust by lying in the performance of the duties of a deputy sheriff is clearly enunciated in several adjudicated cases. In *Talmo, 231 Cal.App3d,* the Court declared that, "A deputy sheriff's job is a position of trust... the public has a right to the highest standard of behavior... honesty, credibility and temperament are crucial to the proper performance of an officer's duties... dishonesty is incompatible with the public trust." Additionally, *Paulino v. Civil Service Com.* (1985)

states, "dishonesty is not an isolated act; it is more a continuing trait of character. False statements..., if repeated, would result in continued harm to the public service." Most recently, in *Kolender v. San Diego County Civil Service Commission* (Berry) September 12, 2005, the court affirmed the *Talmo* statements, noting that the terminated deputy sheriff, "apparently did not believe he had a professional duty to correct his first lie on his own, and he elected not to do so... and only told the truth after the office discovered his lie and pressed him for the truth; otherwise, he might never have done so." Also noteworthy is that the deputy sheriff offered his mitigation by stating that "he loved his job, will always regret his... lie, but he was not a person who lied."

Subject Pak's conduct in this event conforms completely to the conduct condemned in the above cases. He is entirely culpable for his actions. No other party contributed to or affected his decisions and actions.

Intent, Truthfulness and Acceptance of Responsibility

Subject Pak became truthful regarding his actions thirty-five days after the event, and only when specifically questioned as to the truthfulness of his report during his formal interview in this investigation. Although claiming remorse, he took no positive steps to come forward and demonstrate salvageable moral or professional character. Deducing this pattern, it is logical to conclude that had he not been caught, he would not have come forward to admit this misconduct, and would continue in a pattern of future misconduct.

Past Performance and Disciplinary History

Subject Pak has been a deputy sheriff for 16 years. His work product reflects attention to some of his duties. He consistently rates as [redacted] in annual performance evaluations.

Subject Pak was [redacted] as a result of a [redacted]. In April of 2002, Subject Pak received a [redacted]

On February 9, 2005, Subject Pak received [redacted]

[redacted]

DISPOSITION

Based on the foregoing assessment of mitigating and aggravating factors, the following is the level of discipline to be assessed, subject to revision upon receiving the subject's response or grievance:

__XX__ Discharge
______ Reduction in Rank
______ Suspension with loss of pay and benefits for ____ day(s).
______ Written Reprimand
______ No Discipline Recommended

PJJ:LMN:rwk

SUMMARY OF INTERVIEW

Subject Sung J. Pak

Subject Pak was interviewed on March 14, 2005, at 1530 hours, by Lieutenant Ron Kegel. Subject Pak was accompanied by his ALADS representative, Mitchell S. Kander. The interview was tape recorded, and is summarized as follows, noting salient points to support either exoneration or culpability:

Lieutenant Kegel advised the Subject of the charge of "False Statements" (Department Manual of Policy and Procedures section 3-01/040.70) leveled against him in relation to the Incident Report (Exhibit A) he authored and which is the focal point of this investigation. Prior to beginning his questions, Lieutenant Kegel offered Subject Pak the opportunity to make any statement regarding this investigation, to which Subject Pak declined, stating, "No, sir."

The interview began by Lieutenant Kegel asking Subject Pak to recount his career as a deputy sheriff. The Subject stated that he has been a deputy sheriff for 16 years. His patrol assignments were at [redacted] and his current assignment to Metrolink Bureau (one year).

The Subject described his training and experience in the field of Narcotics as being at a level standard for patrol deputies. He added that he has had [redacted] Subject Pak said that in his patrol years he has made "ten or fifteen" arrests in which he recognized narcotic substances.

Lieutenant Kegel then referred to the "Found Narcotics" Incident Report (Exhibit A, copy provided to the Subject prior to the interview) and asked the Subject, "Is the content of that report complete, true and accurate?" Subject Pak replied, "No, sir."

Asked to explain, Subject Pak stated that he had conducted a traffic stop of Mr. [redacted] for equipment violations on his vehicle. The Subject said that Mr. [redacted] appeared to be nervous, as if he was hiding something. Subject Pak stated that after some discussion regarding Subject Pak's perception, Mr. [redacted] reached behind the front passenger seat and retrieved a "shopping bag" from the floorboard of the right-rear passenger seat. He said that he found it and did not want it to be found by children. Upon examination, the Subject saw that the bag contained several colored tablets and "extra packaging material." When asked what this "extra packaging material" was, Subject Pak replied that it was "a few zip lock baggies." He added that the tablets were contained in another zip lock bag.

Subject Pak said that he then had Mr. [redacted] exit his vehicle, conducted a pat-down search, and seated Mr. [redacted] in the back seat of his radio car, un-handcuffed. The Subject said

that he returned to Mr. [redacted] vehicle, took the shopping bag from it, returned to Mr. [redacted] and questioned him regarding ownership of the bag. The Subject said that he was "unsuccessful" in his attempts to have Mr. [redacted] admit ownership. Subject Pak said that his "thought processes" at that time were that it would be a "stretch" to arrest Mr. [redacted] for possession for sales because of the extra packaging. Asked to elaborate on what he meant by the extra packaging having a negative effect, the Subject said that he believed that an arrest for that charge would not be approved without admissions from Mr. [redacted] as to ownership, or without weight scales and without "things that accompany it." When asked if he had made a possession for sales arrest in the past, after a noticeable pause the Subject said that he had, and the substance was methamphetamine in powder form. Asked what became of the shopping bag, Subject Pak said that he threw it away at Santa Clarita Valley Sheriff's Station, believing it had no value.

Subject Pak said that as he spoke with Mr. [redacted] he learned that Mr. [redacted] had recently become engaged, and worked in a cell phone store directly across the street from the location they were at. Mr. [redacted] told him that he was embarrassed by their contact, as his co-workers may witness it. Subject Pak said that he "felt sorry" for Mr [redacted] and decided to "give him a break." He kept the drugs, gave Mr. [redacted] a "stern lecture" and the citation, then released him.

The Subject wanted to emphasize, "for the record," that he did not steal drugs. He admitted to creating false log entries for that date to support his action of creating the false report. Subject Pak offered an apology to the Department for his actions, admitting to being too sympathetic to Mr. [redacted] and "cutting him a break." The Subject went on to say that from that date until the time of this interview, he had been "going over and over (this situation) in my mind, doing a lot of soul searching; I screwed-up." Asked if he considered approaching any Metrolink Bureau supervisor, or Captain Finkelstein, to begin the remedy of this matter and relieve himself of this mental burden during that time, he had no answer but to refer to a conversation with the Transit Services Bureau Operations Lieutenant concerning his reassignment to that unit. In that conversation, this matter was not discussed; the lieutenant simply advised him to seek representation.

This interview was concluded at 1612 hours.

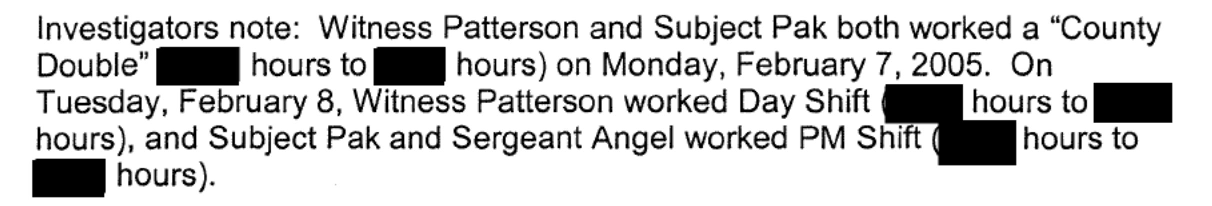
SUMMARY OF INTERVIEW

Witness Steven J. Patterson, Sergeant

Witness Patterson was interviewed at 1123 hours, April 21, 2005, by Lieutenant Ron Kegel. The interview was tape recorded and is summarized as follows:

On Monday, February 7, 2005, he was working as the Metrolink Bureau field sergeant. At approximately 2145 hours, while Witness Patterson was at his desk at the North Team office, Subject Pak requested permission to defer a "Found Narcotics" report. Witness Patterson asked him for the circumstances regarding the incident. The Subject said that he was in the city of Van Nuys, near the intersection of Van Nuys Boulevard and Valerio Street, when he was contacted by a male named [redacted] (the Subject spoke the name and phonetically spelled it for the Witness). Subject Pak said that Mr [redacted] told him that he had found some pills that appeared to be narcotics, and he did not want any children to get them. Subject Pak said he took the pills and booked them at Santa Clarita Station. Witness Patterson authorized the deferral of the report.

On Tuesday morning, February 8, 2005, Witness Patterson was reviewing paperwork previously submitted by various Metrolink Bureau personnel. He saw a traffic citation (Exhibit B) issued by Subject Pak to a [redacted]. He recognized the name as being the same as that given by Subject Pak the night before, regarding the deferred Found Narcotics report. What further caught his attention to the citation was the fact that Subject Pak had not mentioned anything about issuing a citation to the informant of the report, much less making a vehicle stop involving Mr. [redacted]. Witness Patterson advised his relief, Metrolink Bureau Sergeant Maurice Angel, regarding his concerns, and asked him to ensure that Subject Pak turned in the deferred report on his PM watch.



> Investigators note: Witness Patterson and Subject Pak both worked a "County Double" [redacted] hours to [redacted] hours) on Monday, February 7, 2005. On Tuesday, February 8, Witness Patterson worked Day Shift [redacted] hours to [redacted] hours), and Subject Pak and Sergeant Angel worked PM Shift [redacted] hours to [redacted] hours).

On Wednesday morning, February 9, 2005, Witness Patterson saw a "Found Narcotics" report (Exhibit A) on his desk, left by Sergeant Angel. The Witness read the report, noting that there was no mention of a traffic stop or citation issued to the informant. He compared information in the citation to the information in the report, and confirmed the driver listed on the citation and the informant in the report appeared to be the same person. He also saw the time of occurrence on the citation was 2000 hours, and the time of occurrence on the report was 2030 hours. The locations were similar also. The citation listed "Van Nuys/Valerio," and the report listed "7500 Van Nuys Blvd."

***Witness Patterson Interview*, continued**

To resolve the discrepancies between the citation and report, Witness Patterson determined he should contact Mr. [redacted] He advised Lieutenant Jack Carey, Metrolink Bureau Unit Commander, regarding the above, and Lieutenant Carey concurred.

On Sunday, February 13, 2005, at 1035 hours, Witness Patterson and Sergeant Angel contacted Mr. [redacted] at his residence. He advised Mr. [redacted] of the purpose of their visit. He showed him a copy of the traffic citation, and Mr. [redacted] confirmed it was the citation he received from Subject Pak. Witness Patterson disclosed the existence of the "Found Narcotics" report and told him that he would like to discuss what occurred during the incident with Subject Pak. Mr. [redacted] was very cooperative and said that he would discuss the incident.

Mr. [redacted] said he was stopped by Subject Pak at the location noted above. Subject Pak issued him a citation for having tinted windows and no license plates on the car. Witness Patterson explained the discrepancies between the two documents and asked Mr. [redacted] if he could explain. Mr. [redacted] repeatedly said he did not know anything about any found narcotics and did not know why Subject Pak would list him as the informant. Witness Patterson explained the importance of telling the truth and that he (the Witness) did not want Subject Pak accused of something he did not do. Mr. [redacted] said he understood, but maintained his ignorance of any narcotics event in his contact with the Subject.

Witness Patterson asked Mr. [redacted] if he could videotape his statements, and Mr. [redacted] consented. When the Witness told Sergeant Angel to turn on the video camera, Mr. [redacted] looked down to the floor and said he did in fact have knowledge of the narcotics, and he did not want Subject Pak to get in trouble. He said that Subject Pak gave him "a break," and because of that, he wanted to tell the truth. The video taping of the interview began.

The video tape of the interview is submitted with this investigation. The content of the interview is summarized in "Summary of Interview, Witness [redacted]."

Witness Patterson noticed that neither the lab receipt number for the drugs nor the exact number of pills were listed in the Found Narcotics report. He contacted Senior Criminalist Jerry Burke of Scientific Services Bureau (661-904-3890). Mr. Burke told him the lab receipt number for the drugs listed in the report was #J613818, and that there were 38 pills in the baggy. A sample amount tested "positive" for ecstasy.

Witness Patterson said that had the Subject approached him for approval of the arrest of Mr. [redacted] for "Possession of Narcotics for Sales," he would have "definitely" approved the arrest, as all the necessary elements were abundantly present. The Witness

expressed further concern regarding faulty officer safety and patrol procedures manifested by Subject Pak in this event.

This interview was concluded at 1148 hours.

SUMMARY OF INTERVIEW

Witness [redacted]

Witness [redacted] was interviewed at 1118 hours, February 13, 2005, by Metrolink Bureau Sergeant Steven J. Patterson, who was conducting an Inquiry at that point. Sergeant Patterson subsequently became a Witness in this investigation. Mr. [redacted] was not interviewed a second time, since the information he provided in the Inquiry stage was comprehensive of the event.

Mr. [redacted] said he was stopped by Subject Pak and told to exit his car. He was then placed into the back seat of the radio car. Subject Pak asked Mr. [redacted] if he could search his car. Mr. [redacted] said he gave him consent. Subject Pak searched his car and found a clear, zip lock plastic baggy, containing approximately 30 "ecstacy" pills inside the glove compartment. When Mr. [redacted] saw the Subject bringing the plastic baggy over to the radio car, he became disheartened, knowing what the Subject had found. Subject Pak took the baggy to Mr. [redacted] and asked him what was in it. Mr. [redacted] replied, "candy," which is a street term for the drug known as "ecstacy." Subject Pak then placed handcuffs on Mr. [redacted] and kept him in the back seat of the radio car.

Subject Pak asked Mr. [redacted] if there were any weapons in the car. Mr. [redacted] said he did not have any weapons. Subject Pak searched the car and did not find any weapons. Subject Pak again asked Mr. [redacted] if there was anything in the car he should not have, stating that most Asians who have narcotics also tend to carry some type of weapon. Mr. [redacted] again said there were no weapons in the car. Subject Pak searched the car a third time, but did not find any weapons.

Subject Pak lectured Mr. [redacted] regarding the possession of narcotics. He told him that "if push came to shove," he could arrest Mr. [redacted] for a misdemeanor. Subject Pak then told him since he did not have any weapons, he would give him a break, and not arrest him for the ecstacy. Subject Pak also told him he patrolled the area and he had better not find any ecstacy on him again. Subject Pak told Mr. [redacted] he was only going to issue him a traffic citation and that the ecstacy would not go on his record. Subject Pak issued Mr. [redacted] a citation for tinted windows (26708(A)(1)VC) and no plates (5200 VC), and released him.

Mr. [redacted] said he was so happy that Subject Pak gave him a break, he did not notice what happened to the ecstacy, nor did he care. Mr. [redacted] claimed he used the ecstacy for personal consumption. Asked if a "shopping bag" was involved in this event, Mr. [redacted] said that he had an empty "POLO JEANS" shopping bag in his front passenger seat at the start of this incident, but did not see what became of it. He restated that whenever he saw the drugs in possession of Subject Pak, they were only in the clear, zip lock baggy.

The interview was concluded at 1130 hours.



LEROY D. BACA, SHERIFF

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



January 11, 2006

Deputy Sung Pak, #[redacted]

Deputy Pak:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective at the close of business on February 2, 2006.

An investigation under File Number IAB 2139493, conducted by Metrolink Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/100.35, False Information in Records, on or about February 8, 2005, you prepared a Found Narcotics report which contained false information, including but not limited to, statements indicating that the narcotics you booked into evidence at Santa Clarita Valley Sheriff's Station (38 tablets tested and found to contain 3,4 methylenedioxymethamphetamine, MDMA (commonly referred to as "ecstasy") were given to you by Witness [redacted] when, in fact, you discovered the tablets during a search of Witness [redacted] vehicle while conducting a traffic stop.

2. That in violation of Manual of Policy and Procedures Section 3-01/040.70, False Statements, on or about February 7, 2005, you made false statements to your supervisor regarding the circumstances surrounding the found narcotics, including but not limited to, that Witness [redacted] had approached you with the narcotics (38 MDMA tablets

commonly referred to as "ecstasy"), and/or that Witness [redacted] had found the tablets when, in fact, you discovered them during a search of Witness [redacted] vehicle while conducting a traffic stop.

3. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards and/or 3-01/110.10, Vice and Narcotic Law Violations, on or about February 7, 2005, you failed to perform the duties established for your rank and/or position when you neglected to take positive police action and/or make an arrest when there was sufficient evidence to indicate that Witness [redacted] had violated a narcotic law (Health and Safety Code section 11377, possession of 38 tablets of MDMA, commonly referred to as "ecstasy").

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Sandra Hutchens on January 31, 2006, at 1400 hours, in her office, which is located at Sheriff's Headquarters Building, 4700 Ramona Boulevard, Monterey Park, on the 4th Floor. If you are unable to appear at the scheduled time and wish to schedule some other time prior to January 31, 2006, for your oral response, please call Chief Hutchen's secretary at [redacted] for an appointment.

If you choose to respond in writing, please call Chief Hutchen's secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Hutchen's office by no later than January 31, 2006.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Karyn Mannis

Karyn Mannis, Captain
Commander, Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

KM:lh

c: Advocacy Unit
Employee Relations Unit
Chief Sandra Hutchens, Office of Homeland Security
Internal Affairs Bureau
Office of Independent Review (OIR)
(File #2139493)

SETTLEMENT AGREEMENT

PRELIMINARY STATEMENT

This agreement is entered into between the Los Angeles County Sheriff's Department (hereinafter referred to as "Department") and Sung Pak, Deputy Sheriff, Employee No. [redacted] (hereinafter referred to as "Deputy Pak").

RECITALS

The Department and Deputy Pak are interested parties in the investigation under Internal Affairs Bureau No. 2139493. Both desire to resolve all disputes arising as the result of that investigation, to avoid litigation and further administrative process upon the terms and conditions hereinafter set forth.

NOW THEREFORE, the Department and Deputy Pak for and in consideration of the mutual covenants herein, agree as follow:

1. The Department, upon execution of this agreement, will reduce the intended discharge to a thirty (30) day suspension pursuant to IAB File No. 2139493.

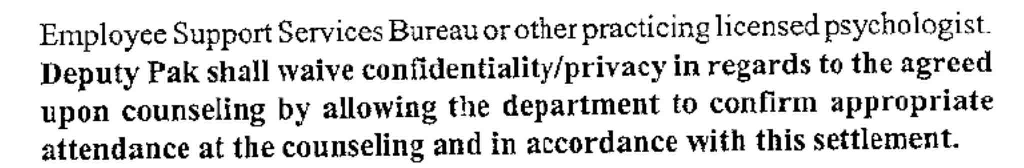
2. Further, the Department will issue Deputy Pak a Letter of Imposition that will contain the same charges as specified in the Letter of Intent dated January 11, 2006, which he accepts without appeal.

3. In addition to the provisions indicated above, Deputy Pak agrees to adhere to the following:

    a. Within ten (10) business days of execution of this agreement Deputy Pak shall attend and participate in one or more initial assessment session(s) as recommended by Employee Support Services Bureau.

    b. The designated number of counseling sessions shall be completed within the designated period of time as determined by Employee Support Services Bureau.

    c. Deputy Pak shall commence counseling with Employee Support Services Bureau or another practicing licensed psychologist within ten (10) business days of the assessment by Employee Support Services Bureau. He shall be responsible for attending all designated session(s) once scheduled with the



Employee Support Services Bureau or other practicing licensed psychologist. **Deputy Pak shall waive confidentiality/privacy in regards to the agreed upon counseling by allowing the department to confirm appropriate attendance at the counseling and in accordance with this settlement.**

d. Recommended counseling sessions must be either conducted by a licensed psychologist from Employee Support Services Bureau, at no cost to Deputy Pak, or by a practicing licensed psychologist chosen and paid for by Deputy Pak. All counseling shall be completed within the time period designated in the initial assessment session(s). The initial assessment session(s) conducted by Employee Support Services Bureau may not be counted as part of the recommended subsequent course of counseling.

e. All time spent in counseling sessions will be off-duty, and no associated costs will be reimbursed by the County of Los Angeles in any fashion. All other costs associated with these sessions are the sole responsibility of Deputy Pak.

f. Failure to complete and/or comply with the terms and conditions of this Settlement Agreement, including providing proof of attendance, shall result in the immediate reinstatement of the discharge of Deputy Pak pursuant to IAB File No. 2139493.

4. Deputy Pak will return to the position of Deputy Sheriff, Item Number 2708A. However, upon the execution of this document, Deputy Pak will be placed on a six-month Plan for Individual Improvement. (A copy of which is attached hereto as Exhibit A.)

5. Deputy Pak agrees, understands and accepts that at any time during the Plan for Individual Improvement, if the department has sufficient documentation showing he is failing in his performance, and/or does not show continual improvement; and/or fails to receive a "Competent" rating at the end of the six-month Plan for Individual Improvement, the Department shall discharge Deputy Pak.

6. This settlement agreement may be used in any subsequent administrative or court hearing to establish Deputy Pak's acceptance of his placement in the Plan for Individual Improvement as stated above.

7. Moreover, Deputy Pak agrees to waive all rights in IAB Case Number 2139493, pursuant to Skelly v. State Personnel Board (1975) 15 Cal.3d 194 Cal.Rptr. 14.

8. Deputy Park agrees to waive any and all further administrative or judicial remedies with respect to the modified discipline as stated herein, including but not limited to the Los Angeles County Civil Service Commission or the Los Angeles County Employee Relations Commission.

9. The parties further agree that this settlement shall not be considered, cited or used in any future dispute between the Department and any other department employee as establishing precedent or past employment practice. This Agreement resolves the dispute between Deputy Pak and the Department, and is not to be applied to any other facts or disputes.

10. In consideration of the terms and conditions set forth herein, Deputy Pak agrees to fully release, acquit and forever discharge the County, their heirs, successors, assigns, and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the employment relationship between the County and Deputy Pak concerning the subject matter referred to herein. Additionally, Deputy Pak specifically acknowledges that he has not been the subject of discrimination in any form, including but not limited to discrimination based upon age, race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status or sex, and that he has no claim against the Department for any such discrimination, whether any such claim is presently known or not known to him.

11. Deputy Pak further agrees, with regard to this litigation, to relinquish and expressly waives all rights conferred upon him by the provisions of California Civil Code Section 1542, which reads as follows:

> "A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

12. The parties agree that this Agreement may be specifically enforced in court and may be used as evidence in a subsequent proceeding in which any of the parties allege a breach of this Agreement.

13. This agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. A photocopy of facsimile transmission of the agreement, including signatures, shall be deemed to constitute evidence of the agreement having been executed.

14. The date of the last signature placed hereon shall hereinafter be known as the "date of execution" and the effective date" of this agreement.

15. The parties agree that this is the complete settlement agreement and that no other promises have been made by either party. The parties further agree that no changes may be made to this settlement agreement unless both parties reduce the changes to writing and sign them.

16. Each party hereto represents and agrees that he/she or it has carefully read and fully understands all of the provisions of the Agreement, and that he/she or it is voluntarily, without any duress or undue influence on the part of or on behalf of any party, entering into this Agreement.

I have read the forgoing Settlement Agreement and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences. I further acknowledge that I have been afforded the opportunity to consult with legal counsel prior to signing this agreement.

Deputy Sung Pak, [redacted]

Date

As to Form Only:

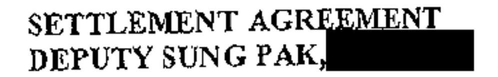
Mitchell Kander, Attorney
Green & Shinee

Date

For the Department:

SANDRA HUTCHENS, CHIEF
OFFICE OF HOMELAND SECURITY

4/5/06
Date


SETTLEMENT AGREEMENT
DEPUTY SUNG PAK, [redacted]

15. The parties agree that this is the complete settlement agreement and that no other promises have been made by either party. The parties further agree that no changes may be made to this settlement agreement unless both parties reduce the changes to writing and sign them.

16. Each party hereto represents and agrees that he/she or it has carefully read and fully understands all of the provisions of the Agreement, and that he/she or it is voluntarily, without any duress or undue influence on the part of or on behalf of any party, entering into this Agreement.

I have read the forgoing Settlement Agreement and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences. I further acknowledge that I have been afforded the opportunity to consult with legal counsel prior to signing this agreement.

Deputy Sung Pak, [redacted] — Date: 4/10/06

As to Form Only:

Mitchell Kander, Attorney
Green & Shinee — Date: 4/10/06

For the Department:

SANDRA HUTCHENS, CHIEF
OFFICE OF HOMELAND SECURITY — Date



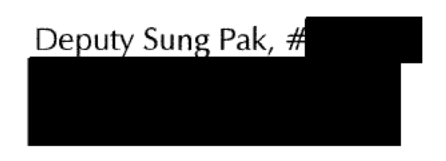
County of Los Angeles

Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

April 18, 2006



Deputy Sung Pak, #[redacted]

Dear Deputy Pak:

On January 11, 2006, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2139493. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. After reviewing the response submitted to support your position, the Department executives have amended the recommended discipline.

You are hereby notified that pursuant to a settlement agreement, you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of thirty (30) days, effective April 18, 2006 through May 17, 2006.

Effective May 18, 2006, at 1300 hours, you are to report to Lieutenant Rick Craigo at Transit Services North Bureau Headquarters, 1 Gateway Plaza, Los Angeles.

An investigation under File Number IAB 2139493, conducted by Metrolink Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/100.35, False Information in Records, on or about February 8, 2005, you prepared a Found Narcotics report which contained false information, including but not limited to, statements indicating that the narcotics you booked into evidence at Santa Clarita Valley Sheriff's Station (38 tablets tested and found to contain 3,4 methylenedioxymethamphetamine, MDMA (commonly referred to as

"ecstasy") were given to you by Witness [redacted] when, in fact, you discovered the tablets during a search of Witness [redacted] vehicle while conducting a traffic stop.

2. That in violation of Manual of Policy and Procedures Section 3-01/040.70, False Statements, on or about February 7, 2005, you made false statements to your supervisor regarding the circumstances surrounding the found narcotics, including but not limited to, that Witness [redacted] had approached you with the narcotics (38 MDMA tablets commonly referred to as "ecstasy"), and/or that Witness [redacted] had found the tablets when, in fact, you discovered them during a search of Witness [redacted] vehicle while conducting a traffic stop.

3. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards and/or 3-01/110.10, Vice and Narcotic Law Violations, on or about February 7, 2005, you failed to perform the duties established for your rank and/or position when you neglected to take positive police action and/or make an arrest when there was sufficient evidence to indicate that Witness [redacted] had violated a narcotic law (Health and Safety Code section 11377, possession of 38 tablets of MDMA, commonly referred to as "ecstasy").

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Karyn Mannis, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

KM:lh

c: Advocacy Unit
Employee Relations Unit
Chief Sandra Hutchens, Office of Homeland Security
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
Transit Services North Bureau Personnel File